

Appendix B

TRINIDAD OWTS ORDINANCE GUIDELINES

ARTICLE 1 – GENERAL PROVISIONS

Section 1:01 – Purpose

Trinidad is a unique town, surrounded by significant coastal resources important to the town, the surrounding community and the State. Trinidad Bay is a State designated Area of Special Biological Significance and a CA Critical Coastal Area. Trinidad is blessed with a healthy sport and commercial fishing fleet and is surrounded by State Parks, public beaches, Tribal lands and working forest lands. Trinidad has a rich and diverse historic fabric, with the Tsurai Village site as one of the most well documented, culturally significant areas in the State. Although small, the City has very dense development and small lots for a rural community on septic systems, and a large influx of visitors throughout the year. This is compounded by the fact that more than half the systems in town are old or of unknown status. This puts the environment in and around Trinidad at substantial risk of pollution from failed and inadequate septic systems. The City has an obligation to protect its citizens and the environment, now and in the future, to the maximum extent practicable and set a higher standard for OWTS than may be necessary in other places. Therefore, this program was developed to meet that goal. The specific objectives of this program are to ensure the proper maintenance and operation of OWTS within the City, as well as to require appropriate upgrades of substandard systems.

The purpose of these Guidelines is to supplement the OWTS Ordinance to aid in the interpretation and implementation of the Trinidad OWTS Program. The following sections numbers refer to those in the OWTS Ordinance.

Section 1:02 – Jurisdiction

These Guidelines shall apply to all territory subject to the Trinidad OWTS Ordinance.

Section 1:03 – Authority

These Guidelines are authorized by the Trinidad OWTS Ordinance and adopted by Resolution of the City Council. These Guidelines (per §1:12 of the OWTS Ordinance) may be amended by staff after Planning Commission approval.

Section 1:04 – Liability

No additional guidance

Section 1:05 – Construction / Interpretation

These Guidelines are intended to supplement the Trinidad OWTS Ordinance and provide more detail for specific policies and procedures. If a conflict arises between these Guidelines and the OTWS Ordinance, then the Ordinance shall take precedence.

Section 1:06 – Adequate Sewage Disposal Required

No additional guidance

Section 1:07 – Permits Required

No additional guidance

Section 1:08 – Permit Fees / Program Financing

The City Council shall establish a fee schedule to be assessed each owner of an *OWTS* / holder of an operating permit. Said fee shall be based on the total number of *OWTS* in the *OWTS* Management Program and the administrative and technical costs associated with providing the services herein. Fees will be paid when permit applications are received for issuance or renewal. Any funds collected or raised for purposes of implementing the *OWTS* Management Program shall be for the exclusive use of said program implementation and operation and shall be maintained in an account separate from the City's general fund.

Fee / Deposit Schedule:

- Construction / Repair Permits:
- Standard Operating Permit:
- Nonstandard Operating Permit:
- Renewal of Operating Permit
- Administrative fees:
 - Permit Transfer:

Section 1:09 – Health Officer

Initially the Health Officer will be [____] within the Humboldt County Division of Environmental Health until such time as the City Council designates an alternative to fill this role. (see Mun. Code §8.04.010, p. 90) The duties of the Health Officer are to implement the Trinidad OWTS Ordinance and these Guidelines. When there is a conflict between the Health Officer and the OWTS Administrator, the determination of the Health Officer shall take precedence. Specific duties shall include, but not necessarily be limited to:

1. Receiving applications for and issuing repair and construction permits;
2. Conducting conformance / final inspections in conjunction with a construction / repair permit;
3. Developing / updating the Trinidad Sewage Disposal Regulation in conformance with State Law and the North Coast Basin Plan;
4. Allowing for exceptions to specific provision where allowed in the OWTS Ordinance and where appropriate to ensure that public and environmental health and safety are fully protected;
5. Reviewing referrals for development projects to ensure the OWTS in in conformance with City regulations;
6. Determining when upgrades, repairs or replacements are required;

7. Allowing the use of, and determining criteria for the use of Nonstandard systems;
8. Providing advice and guidance to the OWTS Administrator in the implementation of the Trinidad OWTS Program; and
9. Taking enforcement actions necessary to protect public health and safety and the environment.

Section 1:10 – Program Administration / OWTS Administrator

Initially the *OWTS Administrator* will be the City Planner until such time the City Council designates an alternative to fulfill this role. The duties of the OWTS Administrator are to administer, implement and enforce the Trinidad OWTS Ordinance and these Guidelines. Specific duties shall include, but not necessarily be limited to:

1. Receiving applications for and issuing operating permits and transfers;
2. Keeping the Trinidad OWTS Program up-to-date by amending and revising the OWTS Ordinance and these Guidelines as necessary in conjunction with the Planning Commission;
3. Reviewing inspection forms and schedules for compliance with the Trinidad OWTS Program;
4. In conjunction with the Qualified Service Provider and Health Officer, determine when actions, such as pumping, repair or upgrades, are required to protect human health and the environment, consistent with the OWTS Ordinance;
5. Oversee the water quality monitoring program according to the OWTS Ordinance;
6. Educating the community about the importance of OWTS maintenance and the requirements of the Trinidad OWTS Program; and
7. Enforcing the provisions of the Trinidad OWTS Ordinance and these Guidelines.

Section 1:11 – Sewage Disposal Regulations

Any regulations issued by the Health Officer shall:

1. Be consistent with the intent and purpose of this ordinance;
2. Be consistent with the North Coast Basin Plan, or otherwise approved by the North Coast Regional Water Quality Control Board.
3. Recognize the most current technical information relevant to the provisions of this Chapter;
4. Provide for exceptions where a strict application of this chapter or regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question and where appropriate to preserve public safety and water quality;
5. Be designed to minimize or eliminate public nuisances or the potential thereof;
6. Recognize that any single sewage disposal system is in reality a subunit of a larger disposal system comprised of numerous subunits.

Regulations issued under this section shall be available to the public for viewing or download on the City's website and / or will also be available for viewing in City Hall; copies will be provided for a per-page copy charge.

Section 1:12 – OWTS Guidelines

No further guidance.

ARTICLE 2 – SPECIFIC PROVISIONS

Section 2:01 – Leachfield Protection During Construction

The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the builder. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The owner or builder will be required to file a mitigation report for approval by the *OWTS Administrator* and *Health Officer* prior to permitting additional work to occur. A Copy of the report is to go to the building official and into the project file.

This provision shall be made a condition of approval for all relevant construction projects.

Section 2:02 – Reserve Area Required

For an application for a discretionary permit in which the footprint of any building is proposed to be expanded, the *Health Officer* shall evaluate the expansion for impacts on the existing septic system. If a portion of the potential reserve area will be covered by the building expansion, a permit for a reserve area shall be required to ensure that there is still enough room remaining on the lot to accommodate one.

Exceptions in extreme circumstances where a reserve area can not be located may be granted by the Health Officer at his or her discretion. For example, exceptions to percentage and setbacks may be granted in such cases as if the lot is too small to accommodate a 100% reserve area. The City may alter the terms of, or deny, a discretionary permit based on limitations in locating a reserve area.

Section 2:03 – Effluent Filters/Risers

No additional guidance.

Section 2:04 – Roof Drainage away from OWTS

Roof drainage should be directed away from OWTS components, particularly the leachfield area.

Section 2:05 – Landscaping

No trees that can grow over six feet tall shall be planted within 10 feet of any system component. The City may maintain a list of inappropriate plantings for landscaping around OWTS.

Section 2:06 – Deed Restrictions

The City has a pre-approved form that should be used.

Section 2:07 – Subdivisions

No additional guidance.

ARTICLE 3 – CONSTRUCTION/REPAIR PERMITS

Section 3:01 – General

No additional guidance.

Section 3:02 – Application Process

- A. The following information shall be provided to the Health Officer as part of an application to construct, repair or upgrade any OWTS. The Health Officer may wave any of these requirements or ask for additional information as he / she deems appropriate.
1. Name, address and contact information of the applicant and the owner of the property on which the building or place to be served by the OWTS is located and their agents, if any;
 2. Location of the property and the assessor's parcel number
 3. A scale map of the lot showing appropriate landmarks such as large trees, creeks or shorelines, existing and proposed structures, steep / unstable slopes, roads, surveyor's land marks, lot dimensions, drainage direction, existing and proposed easements or road or utility purposes, existing, proposed and abandoned OWTS;
 4. Gross lot area, net lot area and average cross slope of the lot
 5. All intended uses of the property
 6. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided;
 7. The level of the groundwater table during and at the end of the rainy season;
 8. Plans and specifications for the proposed OWTS, showing to scale, the location of the proposed system to all structures, wells and water courses, property lines, reserve areas and other information the Health Officer deems necessary;
 9. Soil characteristics
 10. Other information which the Health Officer may deem to be necessary to the making of an informed decision and professional decision on the application.
 11. Either Planning Commission approval of the proposed development, or a statement from the City Planner that the proposed development is consistent with, and approvable under, the City's Local Coastal Program.
- B. **Planning Commission** approval of the proposed development is required prior to construction of any portion of the OWTS.
- C. The Health Officer may require that analysis of the soil characteristics or of the percolative capacity of the soil be performed or that additional relevant data be gathered and analyzed.
- D. The Health Officer may specify the time of year during which water table determinations are to be made.

- E. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.
- F. Any tests, data gathering or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or be performed by individuals certified by the Health Officer or the City of Trinidad to carry out such testing, data gathering or analysis.
- G. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed in accordance with the Trinidad Sewage Disposal Regulations.

Section 3:03 – Licensing Requirements

List or criteria for qualified professionals...(see AB 885 draft regulations). The City should establish a list of known qualified professionals requesting to be on the list and meeting the minimum qualifications.

Section 3:04 – Design and Construction Standards

No additional guidance.

Section 3:05 – Conformance and Final Inspections

The number of inspections required shall be determined by the *Health Officer* and shall be based on the complexity of the design and site conditions. A survey of the parcel may be required to verify that the construction work is located in accordance with approved plans.

ARTICLE 4 – PERFORMANCE INSPECTIONS

Section 4:01 – Initial Inspections for Existing Systems

The purpose of this inspection is to assess the condition of the *OWTS* and provide the City with the technical and background information needed to determine the maintenance requirements for each system within the City limits, and/or the need for system upgrade or replacement. Maintenance requirements shall be set forth by the *OWTS Administrator* and will be based upon the inspection results according to the Guidelines and / or upon the recommendation of the *Qualified Service Provider*.

Section 4:02 - Initial Inspection Schedule

The *OWTS Administrator* may specifically notify property owners of the requirements of this ordinance to encourage early inspections in areas such as *sensitive resource areas*, areas with old and/or unpermitted *OWTS*, areas with a history of failure, high seasonal use or frequent pumping. Voluntary inspections completed, using City approved forms, between July 2005 and the time this ordinance is adopted shall count towards meeting the initial inspection requirement once the inspection form and household survey have been submitted to the City.

Section 4:03 – Initial Inspection Forms and Database Development

The completed forms shall contain sufficient information upon which to base the maintenance schedule and any upgrade requirements for the OWTS. They shall also include information as to when each OWTS has been inspected and pumped and indicate when it should be inspected or pumped again.

Section 4:04 – Performance Inspections

The purpose of a periodic *performance inspection* as provided herein shall be to determine how well the OWTS is functioning in terms of treating effluent and protecting public health and the environment. Factors that may be evaluated include, but are not limited to, the design capacity of the system, the nature and quantity of flow of wastewater entering the system, the amount of actual water use for the property, the condition and effectiveness of the system components, the quality and condition of the soils into which wastewater is discharged, the quality and nature of the groundwater receiving the discharge as well as the quality and quantity of the wastewater discharge. Written results of performance inspections shall be provided to the property owner and shall be kept on file with the City.

Section 4:05 – OWTS & Water Quality Monitoring Program

The monitoring program shall include sampling of ocean, surface water, groundwater and coastal seeps around town.

Section 4:06 – Performance Standards

Performance inspections shall categorically rate each OWTS according to its performance based on the OWTS Inspection Report and the Qualified Inspector's professional experience. Performance indicators and their interpretation shall be as follows: *(to be developed in conjunction with Qualified Service Provider, OWTS Administrator and Health Officer)*

- EXCELLENT:
- GOOD:
- SATISFACTORY:
- MARGINAL:
- POOR:
- FAIL:

Section 4:07 – Accessibility for Inspections

Existing septic tanks that are located under structures, including parking areas and driveways, shall be allowed to remain as long as they are reasonably accessible. Leachfields are not allowed under impervious surfaces, and existing fields that are situated as such must show that both the field and structure were legally established and that such situation does not interfere with the functional capacity of the system.

ARTICLE 5 – OPERATING PERMITS

Section 5:01 – General

No additional guidance.

Section 5:02 – Application Process

The *Homeowner Questionnaire / Inspection Report Form* completed as part of the *initial* and / or *performance inspections* for existing systems shall constitute an application for an OWTS *Operating Permit*. For new systems, the *Homeowner Questionnaire*, along with the final construction inspection shall constitute an application for an *Operating Permit*, which shall be issued prior to the use and operation of the system.

Section 5:03 – Permit Transfer

As part of the application, the new owner will be required to fill out a *Homeowner Questionnaire*. The OWTS Administrator and / or Health Officer shall review the Questionnaire for any differences from the previous owner, and may alter the maintenance schedule / requirements based on these differences. The new operating permit, along with information about caring for and maintaining an OWTS and Trinidad's OWTS Program shall be sent to the new owner.

Unless otherwise required by the *OWTS Administrator* or *Health Officer*, a performance inspection is not required in order to transfer an operating permit. The transferred *operating permit* shall have the same expiration date as the original, but the maintenance requirements may be changed based on the stated planned use of the property. The new property owner or commercial occupant may choose to apply for a new *operating permit* with a new performance inspection at their discretion.

A temporary *operating permit*, with special conditions or limitations on use, for a specified, limited amount of time, shall be issued in cases where *upgrades* or *repairs* are required at the time of property transfer according to the OWTS Ordinance (§7:06) until such time as any required work is completed.

Section 5:04 – Permit Conditions

The level of management / maintenance required by conditions of the Operating Permit will be established by the *OWTS Administrator* in conjunction with the *Qualified Service Provider* based on the type of system and the level of risk to the public health and safety and the environment by the system. Such risks shall be evaluated based on the performance inspection report and property owner questionnaire / application. Standards for this evaluation shall be consistent with these Guidelines.

Section 5:05 – Permit Renewal

No additional guidance.

ARTICLE 6 – MAINTENANCE**Section 6:01 – Maintenance Requirements**

No additional guidance.

Section 6:02 – Maintenance Schedule

Although every system is individual, and will be assessed as such for maintenance requirements, the following general guidance for maintenance schedules is provided: (*To be developed – maybe use something like the ‘calculator’ on the webpage.*)

Section 6:02 – Changes in Inspection or Maintenance Schedule

No additional guidance.

ARTICLE 7 – NONSTANDARD SYSTEMS / SPECIAL CIRCUMSTANCES / UPGRADES REPAIRS REQUIRED

Section 7:01 – Transfer of Property

Upgrades required at the discretion of the Health Officer in accordance with the following guidance: (*To be developed*).

Section 7:02 – Building Alterations

Upgrades required at the discretion of the Health Officer in accordance with the following guidance: (*To be developed*).

Section 7:03 – Nonstandard OWTS

Nonstandard systems are those that require additional attention compared to a standard, gravity-fed OWTS. Advanced treatment units / systems are not meant to be discouraged, but do require notice of special maintenance requirements.

Section 7:04 – Notice of Nonstandard System

Required information to be included on the Notice of Nonstandard System

1. Description of the system characteristics and limitations which cause the system to be a nonstandard system, such as: inadequate disposal area, inadequate separation to seasonal groundwater, lack of expansion area, use of an alternative technology, special maintenance requirements, requirement of sewage haulaway, or other condition not in compliance with requirements for a standard system as specified in the Trinidad OWTS Program.
2. Statement of the operating requirements to ensure proper performance of the Nonstandard System, such as: use of water conservation measures, monitoring of effluent levels in leachfield risers, pumping of a grease trap, shutting off of the disposal device when groundwater rises to a specified level, pump and alarm maintenance, maintenance of a contract for tank pumping, etc.
3. Specification of any restriction on system use or property use, such as limitations on amount of wastewater generated or water consumed, restrictions on building additions, etc.

4. Notification that a maintenance contract with a qualified service provider for the system inspections and maintenance shall be required, as necessitated by the increased likelihood that a Nonstandard System might fail.
5. Statement that the Notice of Nonstandard System may be modified or expunged if the system is upgraded.

Section 7:05 – Accessory Dwelling Units

OWTS size and design is based on several assumptions. These include that households average two persons per bedroom and each person uses an average of 70 gallons of water per day. Therefore, water use will be limited based on these assumptions for which the system was designed. Water use will not be allowed to exceed an average of 140 gallons per day per bedroom over a month long period. In addition, water useage is restricted to a maximum of 150% of the design capacity in any one day (210 gallons per bedroom in a 24 hour period). Allowances for seasonal landscaping irrigation will be included in the calculation.

Section 7:06 – Upgrades / Repairs Required

- Inadequate system components:
 - Tank:
 - Leachfield:
 - Size:
 - Placement / setbacks:
- Different land use from which the system was designed:
- Less than Satisfactory rating after an inspection:
 - Marginal:
 - Poor:
 - Fail:
- Property Transfer – see §7:01:
- Building Alterations – see §7:02:
- Multiple violations of Operating Permit Conditions
 - Standard Systems:
 - Nonstandard Systems:

ARTICLE 8 – ENFORCEMENT

Section 8:01 –Public Nuisance Declared

No additional guidance

Section 8:02 – Investigative Powers

No additional guidance

Section 8:03 – Violations

No additional guidance

Section 8:04 – Notice of Violation

No additional guidance

Section 8:05 – System Failure

No additional guidance

Section 8:06 – Order to Reduce or Discontinue Use

No additional guidance

Section 8:07 – Immediate Need to Pump

No additional guidance

Section 8:08 – Failure to Pump

No additional guidance

Section 8:09 – Stop Work Orders

No additional guidance

Section 8:10 – Construction/ Repair Permit Revocation/Suspension

No additional guidance

Section 8:11 – Operating Permit Revocation

No additional guidance

Section 8:12 – Appeal Process

No additional guidance

Section 8:13 – Severability

No additional guidance